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REMARKS

The Examiner in the Official Action has finally rejected claims 1-23 under 35 USC § 102 for the reasons set forth therein.

In this regard, applicants would like to note that independent claims 1, 14 and 23 have been amended to set forth (comprising:) in the independent claims as suggested by the Examiner.

The Examiner has stated that claims 1, 3-12 and 14-23 are rejected under 35 USC § 102(e) as being anticipated by Watanabe for the reasons set forth therein.

Applicant respectfully submits that Watanabe does not teach or suggest a kit as taught and claimed by applicant. First, applicant would like to point out that the independent claims are all directed to a kit that is provided to a customer wherein the kit comprises a plurality of specific items. The kit according to the present invention, includes a set of articles to be supplied and used by a customer. In this regard, the dictionary defines a kit as being a set of articles used for a particular purpose; a set of parts or materials to be assembled or a package set of related materials. See Exhibit A which is a copy of the definition of kit as set forth in Webster's II New College Dictionary. It is respectfully submitted that the term kit in the preamble must be given weight in the present application. Generally, a claim preamble is limiting if it recites the essential structure or steps or if it is necessary to give life and vitality to the claim. In this particular application, the term "kit" is an essential part of the claimed invention as applicant is attempting to define a set of items that are provided to a customer in the form of a kit composed of the specific items as recited therein. Thus, the "kit" of the present invention requires specific individual articles that are supplied to a customer.

The Examiner has cited Watanabe as teaching a kit. However, applicant respectfully submits that Watanabe does not teach or suggest a kit as taught and claimed by applicant. Quite the contrary, it is quite clear that the Watanabe reference is directed to a Network photographic service which provides digital photographic services on a Network. This is exemplified by the Title, the Abstract, the Field of the Invention as set forth in paragraph 1 and the related art as set forth in paragraph 2. This is also confirmed by the Summary of the Invention in paragraph 12 and the Description of the Preferred Embodiments as

set forth in paragraph 37. Thus, it is quite clear that the Watanabe reference is directed to a Network photographic service system. This is in contrast to providing a kit to a customer. The images being provided by the service provider is provided over a Network, such as the Internet. The Examiner's attempt to define a kit as consisting of a household, an office, a mini-lab, special lab and an image retaining device such as a scanner. However, it is quite clear that this is not a kit to which the present invention is directed. The system of Wantanabe is not something that can be provided to a customer in the form of a package. Quite the contrary, what is described by the Examiner, is a system of sharing images over a communication network. These are not positive physical items that are provided to the customer as taught and claimed by applicant. A photo album in Watanabe, is an electronic album which is forwarded by the service provider to the user as clearly set forth in paragraphs 67 and 70. There is no teaching or suggestion for providing a registration card Watanabe as claimed by applicant. Thus, it is quite clear that there is no support or teaching of providing a Registration card in Watanabe. There is no teaching or suggestion of physically providing a kit to the customer as taught and claimed by applicant. The Watanabe reference does not teach or suggest the providing of a kit as taught and claimed by applicant. There is no teaching or suggestion of providing an assembly of articles to a consumer as taught and claimed by applicant. Accordingly, it is respectfully submitted that the independent claims are not taught or suggested by the prior art.

The registration card of the present invention is used for registering unique IDs of image retaining devices prior to the receipt of the image retaining device by the photoservice provider. In this way, the service provider by receipt of these image retaining devices will automatically associate these devices whereby the user can later access images obtained from these devices.

As set forth in Watanabe, paragraph 39, images are scanned and placed on a database in a form describing the register ID and a pass regarding the images is returned to the user together with a generated print. Thus, the ID associated with the images, is generated by the service provider that allows later access by the user. This is further reinforced by paragraph 41 wherein there is discussed a laboratory server 8 registers the image data read form a film by the scanner. It is this returned ID that allows the user to access the images over the communication network. There is no teaching or suggestion of pre-registering the

image retaining devices prior to the receipt of the image retaining device by the service provider. Quite the contrary, what is taught by Watanabe is the registering of the IDs after they have been received.

Applicant respectfully traverses the Examiner's statement that the image storage device such as a database 18 somehow teaches a kit. A database is not a kit but is something on which images are stored and in Watanabe is a database provided by the service provider and not sent to the user.

In the remarks section of the Official Action the Examiner argues that an image retaining device can be a scanner for retaining images and conversely an image data base 17 can also be an image retaining means. However, applicants' claims are quite clear that the image retaining device is something designed for the capturing of images. Furthermore, this is in the kit that is provided to the customer. With regard to the statement "The registration card is a conventional paper album with an ID", applicant does not understand this statement as there is no teaching or suggestion that this is a registration card is used for registering various different unique IDs with a service provider with regard to images later to be provided with respect to the image retaining devices. Further, the software suggested by plug-in 22 is not something that is provided as a kit as previously described but is something that is provided over a network. Further as previously argued, there is no kit, as set forth by the normal meaning of "kit" that is supplied to a customer as taught and claimed by applicant.

With regards to the Examiner's remarks that there is no language stated in claim 1 which states that the kit is provided to a customer. As previously argued, statements in the preamble claim are considered parts of the claim when it is essential to the claim. In this regard, applicant respectfully submits that the kit to which the present invention is directed to is clearly a part of the claim as it is important and gives life to the claim in which the kit includes a plurality of articles.

The Examiner argues that Watanabe teaches a conventional paper album with an ID. However, the only album applicants have been able to find is on a Network. Applicants have not been able to ascertain where a paper album is supplied. Further, the fact that an album may have an ID is not the same as registering an image capture device to which the registration card of the present device is directed.

In view of the foregoing applicant respectfully submits that the claims in present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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The Webster's You

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The

king·ship (king'ship') *n.* 1. The position, power, province, or prerogative of a king. 2. The domain ruled by a king : KINGDOM. 3. A king's tenure : REIGN. 4. The style of a king : MAIESTY. 5. A monarchy. **king-size** (king'siz') also **king-sized** (-sizd') *adj.* Larger than the standard or usual size <a king-size bed>

king snake *n.* A nonvenomous New World snake of the genus *Lampropeltis*, having yellow or reddish markings.

king·wood (king'wood') *n.* 1. A South American tree, *Dalbergia cearensis*, having hard, fine-textured, purplish-brown wood used in cabinetmaking. 2. The wood of the kingwood tree.

ki·nin (ki'nén) *n.* [Gk. *kinein*, to move + -in.] Any of various polypeptides that act in the contraction of smooth muscle.

kin·kō·jou (king'kō-jō') *n.* [Fr. *quincajou*, of Algonquian orig.] A tropical American arboreal mammal, *Potos flavus*, with brownish fur and a long prehensile tail.

kin·kō·y (king'kē) *adj.* -i·er, -i·est. 1. Tightly curled : FRIZZY. 2. *Informal.* a. Marked by or engaging in a perverted eroticism. b. Sexually perverted. — **kin·kō·ly** *adv.* — **kin·kō·ness** *n.*

kin·ni·kin·nick also **kin·ni·kin·nic** (kin'i-kin'nik') *n.* [Of Algonquian orig.] 1. A preparation made from dried leaves, bark, and occasion tobacco and smoked esp. by American Indians. 2. A plant, as the bearberry, whose leaves or bark were used in kininnicknick.

ki·no (ké'nó) *n., pl. -nos.* [Prob. < Mandingo *keno*.] A reddish resin obtained from several Old World tropical trees of the genera *Pterocarpus* and *Butea*.

-kins *suff., var. of -kin.*

kins·folk (kins'fók') *pl.n. var. of KINFOLK.*

kin·ship (kin'ship') *n.* The state or quality of being kin.

kin·s·man (kinz'mán) *n.* 1. A man relative. 2. A man sharing the same racial, cultural, or national background as another.

kins·wom·an (kinz'wómn) *n.* 1. A woman relative. 2. A woman sharing a racial, cultural, or national background with another.

ki·osk (ké'ósk', kē'ósk') *n.* [Fr. *kiosque* < Turk. *kóshk* < Pers. *kúshk*, portico.] 1. An open pavilion or gazebo. 2. A small structure used as a newsstand or refreshment booth. 3. A cylindrical structure on which advertisements are posted.

Ki·o·wa (ki'ó-wó', -wá', -wá') *n., pl.* **Ki·o·way** (-wá') *n., pl.* **Ki·o·wa** or -was also **Kioway** or -ways. [Kiowa Ká-i-gwú.] 1. A member of a Plains Indian people once living in Colorado, Oklahoma, Kansas, New Mexico, and Texas, now in Oklahoma. 2. The Uto-Aztec language of the Kiowa.

Kiowa Apache *n., pl.* **Kiowa Apache** or **Kiowa Apaches**. 1. A member of an American Indian people of the southern Great Plains who formed part of the Kiowa tribe although speaking an unrelated Athapaskan language. 2. The Athapaskan language of the Kiowa Apache.

kip¹ (kip) *n., pl. kip.* [Thai.] — See table at CURRENCY.

kip² (kip) *n.* [Obs. Du.] The untanned hide of a small or young animal, as a calf.

kip³ (kip) [Poss. < Dan. *kippe*, cheap inn.] *Chiefly Brit.* — *n.* 1. A boarding house. 2. A room or bed in a boarding house. 3. A bed. 4. Sleep. — *vi.* **kipped, kip·ping, kips.** To sleep.

kip⁴ (kip) *n.* [kil'loj + p(ound)] A 1,000-pound unit of weight.

kip·per (kip'är) *n.* [ME *kypera* < OE *cypera*] 1. A male salmon or sea trout in the spawning season. 2. A split, salted, and smoked herring. — *vt.* **-pered, -per·ing, -pers.** To cure (fish) by splitting, salting, and smoking.

Kir also **Kir** (kir) *n.* [After Canon Félix Kir (1876–1968), mayor of Dijon, France.] A drink consisting of dry white wine or champagne flavored with cassis.

Kir·ghiz (kir'gēz') *n., pl.* **Kirghiz** or **-ghiz·es**. 1. A member of a Turkic people residing chiefly in Kirghiz. 2. The Turkic language of the Kirghiz.

Kir·i·ga·mi (kir'i-gā'mē) *n.* [Jap.: *kiri*, to cut + *kami*, paper.] The Japanese art of making ornamental designs by cutting and folding paper.

Kirk (kirk) *n.* [ME < ON *kirkja* < OE *cirice*, church. — see CHURCH.] 1. Scot. A church. 2. **Kirk.** *Chiefly Brit.* The Presbyterian Church of Scotland.

Kir·li·an photography (kir'lē-ān) *n.* The process of photographing an object by exposing film in a dark room to ultraviolet light that results from electronic and ionic interactions caused by an applied electric field. [After S. D. and V. K. Kirlian, 20th-cent. Russian electricians.]

Kirsch (kirsh) *n.* [G. *Kirsch(wasser)*, cherry (water).] A colorless brandy made from fermented cherry juice.

Kir·tle (kür'tl) *n.* [ME < OE *cyrtel*, prob. ult. < Lat. *curtus*, shortened.] 1. A knee-length tunic or coat once worn by men. 2. A woman's long dress or skirt.

kish·ke (kish'kē) *n.* [Yiddish, of Slav. orig.] **DERMA²**.

Kis·lev (kis'lef) *n.* [Heb. *kislev*.] The third month of the year in the Jewish calendar. — See table at CALENDAR.

kis·met (kiz'mét', -mit) *n.* [Turk. < Ar. *qismah*, portion < *qasama*, he allotted.] Fate : fortune.

kiss (kís) *v.* **kissed, kiss·ing, kiss·es.** [ME *kissen* < OE *cyssan*] — *vt.* 1. To caress or touch with the lips as a sign of sexual affection, greeting, or respect. 2. To touch lightly. — *vi.* To engage in mutual touching or caressing with the lips. — **kiss off, Informal.** To get rid of : dismiss. — *n.* 1. a. A caress or touch with the lips. b. A slight or gentle touch. 2. a. A small piece of candy, esp. of cherries. b. A baked confection of meringue. — **kiss good-by.** To resign self to the loss of.

kiss·er (kís'är) *n.* 1. A person who kisses. 2. *Slang.* The lips. 3. *Slang.* The human face.

kissing bug *n.* An assassin bug, *Melanolestes picipes*, that has a painful bite, often on the lips of a sleeping person.

kissing cousin *n.* A distant relative known well enough to kiss when greeted.

kissing disease *n.* *Informal.* Mononucleosis.

kiss of death *n.* [From the kiss by which Judas betrayed Jesus] Something ultimately ruinous.

kiss-off (kís'of', -öf') *n.* *Informal.* A dismissal.

kiss of life *n.* *Chiefly Brit.* Mouth-to-mouth resuscitation.

kiss of peace *n.* A ceremonial gesture, as a kiss or a handshake, as a sign of brotherhood in Christian liturgies.

kist (kist) *n. var. of CIST.*

kit (kit) *n.* [ME *kitt*, wooden tub.] 1. A set of articles used for a particular purpose <a survival kit> <a travel kit>. 2. A set of personal materials to be assembled <a stereo kit>. 3. A packaged set of playing materials <a sales kit>. 4. A container for a kit. 5. *Chiefly Brit.* A gional. A tub. — **the (whole) kit and caboodle.** *Informal.* The entire lot or collection.

kit² (kit) *n.* [Short for KITTEN.] 1. A kitten. 2. A young, often male, sized fur-bearing animal.

kit (kit) *n.* [Org. unknown.] A small three-stringed violin.

kitch·en (kich'en) *n.* [ME *kichen* < OE *cycene*, ult. < LLat. *quincunx* < Lem. *coquinus*, of cooking < *coquere*, to cook.] A place where food is cooked or prepared. 2. The facilities and equipment used in preparing and serving food. 3. A department that prepares, cooks, and serves food.

kitchen cabinet *n.* 1. A cabinet or cupboard for kitchen use. 2. *informal.* Group of advisers to a head of state.

kitch·en·er (kich'en-är) *n.* 1. A manager of a kitchen, esp. in a monastery. 2. *Chiefly Brit.* A large cooking stove.

kitch·en·ette (kich'en-ët') *n.* A small kitchen.

kitchen garden *n.* A garden in which vegetables and fruits are grown for household use.

kitchen midden *n.* [Transl. of Dan. *kokkenmodding*; a mire heap or mound with artifacts, shells, and often bones indicating site of a primitive human settlement.

kitchen police *n.* 1. Enlisted military personnel assigned to kitchen work. 2. The work of the kitchen police.

kitch·en·ware (kich'en-wär') *n.* Utensils for kitchen use.

kite (kit) *n.* [ME, bird of prey < OE *cyta*.] 1. A light framework covered with cloth, plastic, or paper, designed to climb and fly in a steady breeze at the end of a long string. 2. Any of the light sails of a sailing vessel used in a light wind. 3. Any of various predatory birds of the subfamilies Milvinae and Elaninae, having long, often forked tails. 4. Negotiable paper, as a check, representing a fictitious financial transaction and used temporarily to sustain credit or raise money. — *vt.* **kited, kit·ing, kites.** — *vi.* 1. To fly like a kite. 2. To get money or credit with a kite. — *vt.* To use a kite to sustain credit or raise money.

kith and kin (kith'än kin') *n.* [ME *kyth* < OE *cyð*] Friends and neighbors.

kitsch (kich) *n.* [G. < *kitschen*, to put together sloppily.] 1. Pataious bad taste, esp. in the arts. 2. Something that exemplifies kitsch.

kitsch'y ad *adj.*

kit·ten (kit'ën) *n.* [ME *kitoun*, prob. < ONFr. **caton*, dim. of *cat* < LLat. *cattus*.] A young cat. — *vi.* **-tened, -ten·ing, -tens.** To beat kittens.

kit·ten-ish (kit'ën-ish) *adj.* Playful and coy. — *adv.* **-kit'ën-ish·ness.**

kit·ten·wake (kit'ën-wák') *n.* [Limit. of its cry.] A gull, *Rissa tridactyla* or *R. brevirostris*, of northern regions.

kit·tle (kit'l) *adj.* [Sc., to tickle < ME *kytllen*, prob. of ON Fr. *Scot.*] 1. Unpredictable : capricious. 2. Touchy.

kit·ty¹ (kit'ë) *n., pl. -ties.* [*kit¹*.] 1. A. An extra hand or part of hand to be used by the highest bidder in some card games. b. A hand made up of a portion of each player's winnings in a card game, used to pay the game expenses. 2. A pool of money.

kit·ty² (kit'ë) *n., pl. -ties.* [Shortening and alteration of *kit¹*.] *Informal.* A cat, esp. a kitten.

kit·ty·cor·nered (kit'ë-kör'nd) *adj.* Cater-cornered.

Kitty Litter A trademark for absorbent material used in a box or pan for the waste of small domestic pets, esp. cats.

Ki·va (ké'və) *n.* [Hopi.] An underground or partially underground room in a Pueblo Indian village, used by the men esp. for ceremonies or councils.

ā pat ā pay ār care ā father ē pet ē be bw which ī tie īr pier ī pot ī toe ī paw, for ī noise īoo tool